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December 16, 2003

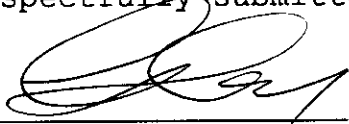
Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
Hermitage, Arkansas

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of a Petition
for Rule Making to add Channel 300A at Hermitage, Arkansas.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

HermitageCover

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List ABCDE

MB 03-3507

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of 73.202 (b))	MB Docket No. _____
Table of Allotments)	
FM Broadcast Stations)	
(Hermitage, Arkansas))	

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 300A at Hermitage, Arkansas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 300A to Hermitage, Arkansas as that community's first local FM service. Hermitage, Arkansas is an incorporated city with a population of 769 people.¹ Hermitage has its own mayor, its own post office, fire department, police department, city offices, library, school system and a number of local churches. Hermitage is a community that is certainly

¹ 2000 U.S. Census

deserving of local FM service. The proposed channel 300A will provide additional diversity and an outlet for local self-expression to Hermitage residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 300A can be allocated to Hermitage, Arkansas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: Channel 300C1 at Magnolia, Arkansas, KVMA FM's license was modified to specify operation on Channel 300C2 at Oil City, Louisiana per Report & Order, DA 03-1227, released April 30, 2003. (See, Attachment B)

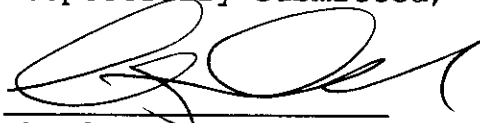
Reference coordinates for Hermitage, Arkansas are:

33 25 00 N
92 04 30 W

Should this petition be granted and Channel 300A be allotted to Hermitage, Arkansas, Petitioner will apply for Channel 300A at Hermitage and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

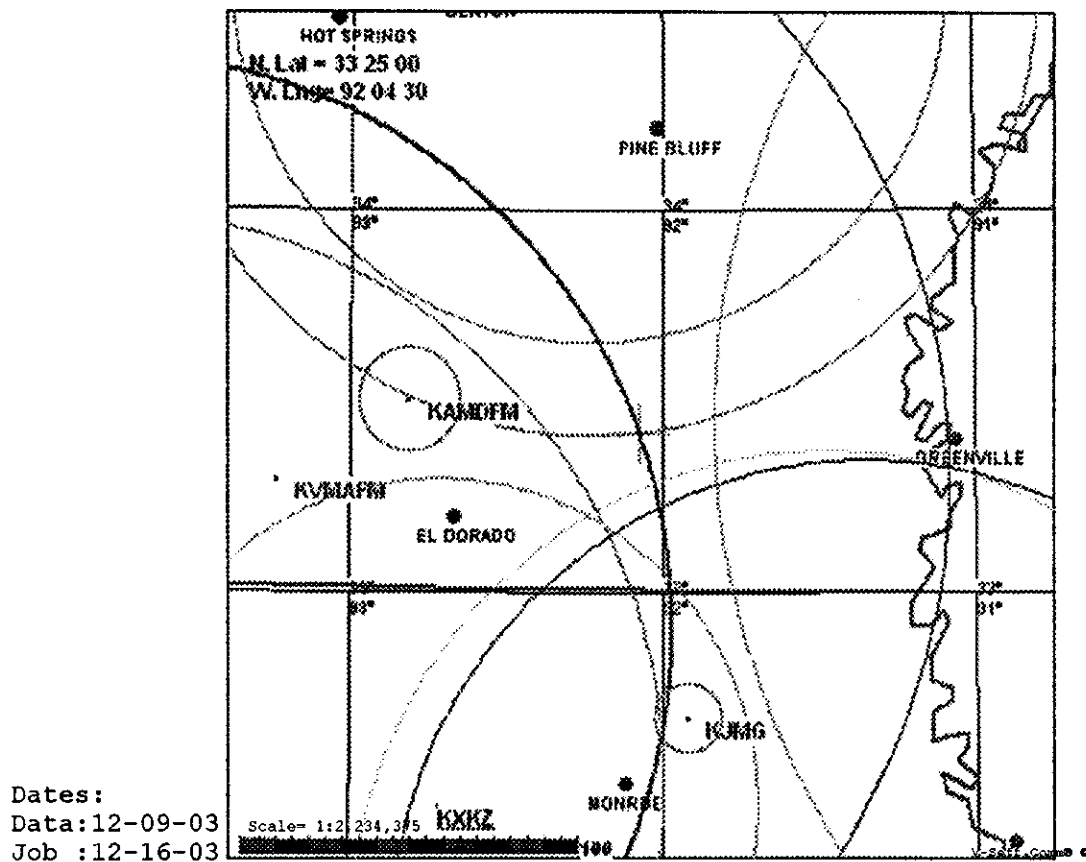
cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite
600, 1050 17th Street, N.W., Washington, D.C. 20036,
telephone (202) 496-1289, telecopier (301) 762-0156,
attorney for Charles Crawford. It is requested that the
Commission and any parties who may file pleadings in the
captioned matter serve copies to Mr. Bechtel as well as
Charles Crawford.

December 16, 2003

Attachment A

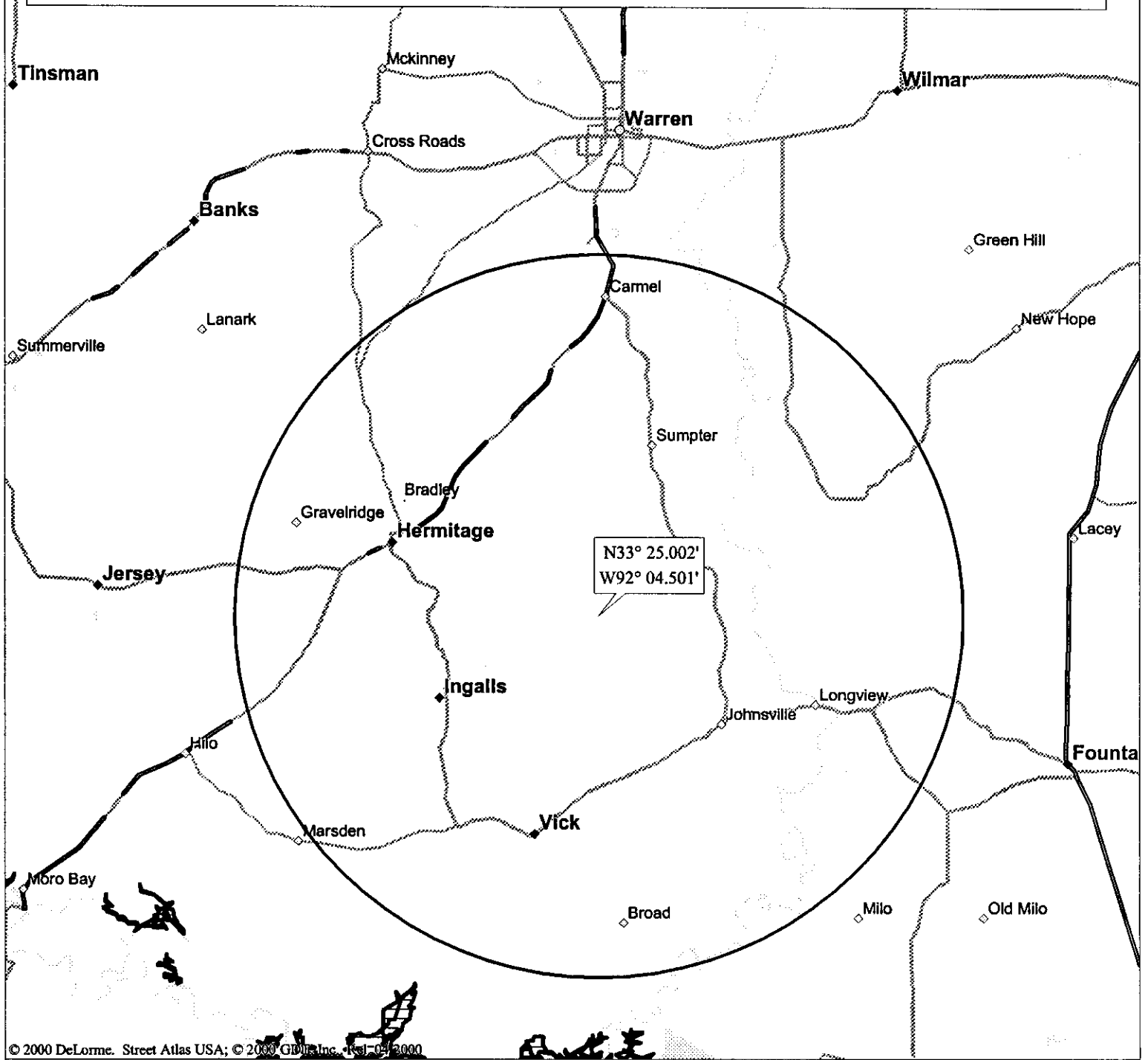
(Channel Study for Channel 300A at Hermitage, Arkansas)

FM PROSP^(TM) LOCATE STUDY CH 300 A 107.9 MHz



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RDEL	300C1	DEL	Magnolia	AR	108.51	263.4	200.0	-91.49
KVMAFM	300C1	LIC	Magnolia	AR	108.51	263.4	200.0	-91.49
RADD	300C2	ADD	Oil City	LA	165.91	250.2	166.0	-0.09
KLAL.C	299C1	CP	N Wrightsville	AR	133.15	353.6	133.0	0.15
RADD	300C3	ADD	Wisner	LA	157.14	159.2	142.0	15.14
RDEL	300C3	DEL	Wisner	LA	157.14	159.2	142.0	15.14
RADD	300C3	ADD	St. Joseph	LA	164.07	155.7	142.0	22.07
KVMAFA	300C2	APP	N Oil City	LA	188.32	237.4	166.0	22.32
WFCA	300C*	LIC	Ackerman	MS	248.47	89.1	226.0	22.47
KLAL	299C2	LIC	Wrightsville	AR	132.85	353.6	106.0	26.85
KXKZ	298C*	LIC	Ruston	LA	123.26	209.0	95.0	28.26
KAMDFM	246C2	LIC	Camden	AR	69.06	278.3	15.0	54.06
KJMG	247A	LIC	Bastrop	LA	83.85	170.0	10.0	73.85

Hermitage, AR CH 300A 70 dBu



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Mag 11.00

Tue Dec 16 09:37 2003

Scale 1:250,000 (at center)

5 Miles

5 KM

- | | | | |
|--|-----------------|--|----------------|
| | US Highway | | Inundated Area |
| | Major Connector | | |
| | State Route | | |
| | County Seat | | |
| | Small Town | | |
| | Locale | | |
| | Land | | |
| | Water | | |

Attachment B

(MB Docket No. 02-199)

Hermitage

DOCKET FILE CCNY ORIGINAL

Amendment of Section 73.202(b),
FM Table of Allotments,
FM Broadcast Stations.
(Magnolia, Arkansas and Oil City,
Louisiana)

MB Docket No. 02-199
RM-10514

Released: April 30, 2003

1. Before the Audio Division for consideration is a *Notice of Proposed Rule Making* issued at the request of Columbia Broadcasting Company, Inc. ("Petitioner"), licensee of Station KVMA-FM, Magnolia, Arkansas, proposing to substitute Channel 300C2 for 300C1 at Magnolia, Arkansas and reallocate Channel 300C2 from Magnolia to Oil City, Louisiana, as the community's first local transmission service, and modify Station KVMA's authorization to specify Oil City as the community of license. Petitioner filed comments reiterating its interest in the reallocation and pledging to file the necessary applications. Access.1 Communications-Shreveport, LLC ("Access.1") filed comments opposing the reallocation and Petitioner filed reply comments.

2. This proposal was filed pursuant to Section 1.420(i) of the Commission's Rules that authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the station's present authorization.¹ This permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. In considering a reallocation proposal, we compare the existing allotment to the proposed allotment to determine whether the reallocation will result in a preferential arrangement of allotments. This determination is based upon the FM Allotment priorities.²

3. Access.I argues that this change of community is tantamount to a move-in to an Urbanized Area because of Oil City's proximity to the Shreveport, Louisiana, Urbanized Area. However, our records show that Oil City is well outside the Shreveport Urbanized Area, and it is not included in the Urbanized Area in the 2000 U.S. Census. Furthermore, Station KVMA-FM's city-grade signal, covering 0.3% of the Urbanized Area, is well below the 50% coverage that would trigger our consideration of the community's independence of the larger community based on the factors delineated

¹ See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon.*, granted in part, 5 FCC Rcd 7094 (1990).

² The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (4) Other public interest matters. [Co-equal weight is given to given to priorities (2) and (3)], See *Revision of FM Assignment Policies and Procedures*, 90 FCC2d 88, 91 (1988).

in *Faye and Richard Tuck*.³ We reject Access.1's speculative allegations that the proposed reallocation is part of a plan developed by Columbia and Cumulus Media, Inc.,⁴ to move the station into the Shreveport market. Access.1 argues that a condition of closing of the transfer of control indicates that the parties intend to relocate the station's tower and transmitting facilities. However, those issues are properly raised when an application for an Oil City station is submitted.

4. With respect to the public interest implications of this relocation, we believe that this proposal will result in a preferential arrangement of allotments because Oil City will gain a first local aural transmission service and Magnolia will not be left unserved, as Station KVMA(AM) will continue to serve Magnolia.⁵ This proposal thus fulfills Priority (3) of the FM Allotment priorities. Further, regarding Access.1's concerns about the number of persons to be left with fewer than five reception services,⁶ we find that the public interest benefits weigh in favor of the proposal because there will be a net gain in population of over 100,000 persons able to receive a 60dBu signal from the station. We are satisfied that the loss area of 2,000 persons receiving four services is relatively small, compared to the overall gains.

5. We grant the change of community and modify the license of Station KVMA-FM to reflect the modification. We have determined that Oil City is a community for allotment purposes. Oil City is listed in the U.S. Census with a 2000 population of 1,219 persons. It has a zip code, post office, an elected mayor and district council, its own attorney, town clerk, police chief, housing authority and zoning board. It has fire and police departments and sheriff's office. It also has a long history and traditions, as well as numerous businesses, a school, churches and clubs.

6. Channel 300C2 can be reallocated from Magnolia to Oil City at petitioner's proposed site 27.6 kilometers (17.1 miles) northeast of the community.⁷

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective June 16, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Magnolia, Arkansas	---
Oil City, Louisiana	300C2

³ See *Headland, Alabama, and Chutahoochee, Florida*, 10 FCC Red 10352 (Allocations Br. 1995).

⁴ Cumulus Media, Inc., is the parent corporation of Cumulus Broadcasting, Inc., which is the proposed transferee in an application for transfer of control (File No. BTCH-20020522AAH) of Station KVMA-FM, the consummation of which is contingent on the outcome of this proceeding.

⁵ Contrary to Access.1's argument, an AM daytime-only station is considered to be local aural transmission service under the FM Allotment priorities. See *Grants, Milan and Shiprock, New Mexico*, 16 FCC Red 20323 (2001).

⁶ Contrary to Access.1's allegation, the area in which persons will receive reception service from 4 stations is not gray area. Gray area is an area in which listeners are able to receive reception service from one station.

⁷ Coordinates for Channel 300C2 at Oil City, Arkansas are 32-54-06 NL and 93-44-01 WL.

8. IT IS ORDERED That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this *Order* to the following:

Mark N. Lipp
J. Thomas Nolan
Shook, Hardy & Bacon
600 14th Street N.W.
Suite 800
Washington, DC 20005

9. IT IS FURTHER ORDERED That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Columbia Broadcasting Company, Inc. for Station KVMA-FM, Channel 300C1, Magnolia, Arkansas, IS MODIFIED to specify operation on Channel 300C2 at Oil City, Louisiana, subject to the following conditions:

- a) Within 90 days of the effective date of this *Order*, each licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

10. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Columbia Broadcasting Company, Inc. is required to submit rule making fees in addition to the fees required for the applications to effect the change of community for Station KVMA-FM.

11. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau